

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>UNITED STATES OF AMERICA</b> <i>Plaintiff</i>	§ § § § § § §	<b>1:21-cr-00256-RP-11</b>
<b>v.</b>		
<b>MICHAEL BAUMAN (11)</b> <i>Defendant</i>		

**Order On Petition for Action on Conditions of Pretrial Release**

This matter came before the Court on January 11, 2023, on the Pretrial Services Office's Petition for Action on Conditions of Release, dated December 7, 2022 (the "Petition") (Dkt. 306). Defendant waived a bond revocation hearing. Dkt. 342.

Defendant Michael Bauman was arrested and ordered released on conditions on January 4, 2022. Dkt. 10. The conditions include:

- 7(m) not use or unlawfully possess a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; and
- 7(o) participate in a program of inpatient or outpatient substance abuse therapy and counseling of directed by the pretrial services office or supervising officer.

*Id.* at 2.

Pursuant to a Superseding Indictment returned on February 15, 2022, Defendant is charged with one count of conspiracy to distribute and possess with intent to distribute a controlled substance, which offense involved more than 400 grams of a mixture and substance that contained a detectable amount of fentanyl, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(A). Dkt. 130. The offense is punishable by a maximum sentence of up to life imprisonment. *Id.* Docket call is set for March 10, 2023. Dkt. 290.

On October 7, 2022, Defendant submitted a urinalysis test that returned positive results for fentanyl. Dkt. 258. Defendant “admitted to having an addiction to fentanyl” and was ordered to obtain inpatient treatment. *Id.* Defendant’s conditions of release were modified to include:

- 7(h) get medical or psychiatric treatment if directed by Pretrial Services; and
- 7(t) pay all or part of the costs for referrals (treatment, drug testing, residential placement) based on ability to pay as directed by Pretrial Services or the supervising officer.

*Id.* Defendant began inpatient substance abuse treatment at Christian Farms Treehouse in Temple, Texas on November 8, 2022. Dkt. 306.

The Petition alleges that on November 16 and November 30, 2022, while attending inpatient substance abuse treatment, Defendant submitted urinalysis tests that returned positive results for fentanyl. *Id.* Defendant was unsuccessfully discharged from treatment due to his positive drug test results. *Id.* The Petition alleges that Defendant’s actions violate his conditions of release 7(m) and 7(o).

The Court has considered the Pretrial Services Report and the Petition. Based on the uncontroverted record evidence, pursuant to 18 U.S.C. § 3148(b)(1), the Court finds that there is clear and convincing evidence that Defendant has violated conditions of his release (7)(m) and (7)(o). Nonetheless, the Court finds that, based on the factors set forth in 18 U.S.C. § 3142(g), there are conditions of release that will assure that Defendant is not likely to flee or pose a danger to the safety of any other person or the community if he remains on release, and that he is likely to abide by such conditions. *See* 18 U.S.C. §§ 3142 and 3148.

It is therefore **ORDERED** that Defendant shall be **RELEASED** to a program of inpatient substance abuse therapy and counseling at Lifetime Recovery in San Antonio, Texas, and to the custody of his mother, Michelle Gallont.

It is **FURTHER ORDERED** that Defendant must abide by all conditions in the Order Setting Conditions of Release (Dkt. 10) and follow all instructions from Pretrial Services.

It is **FURTHER ORDERED** that the Petition for Action on Conditions of Pretrial Release (Dkt. 306) is **DENIED**.

**SIGNED** January 11, 2023.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE